

BEFORE THE  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
STATE OF WYOMING

IN THE MATTER OF THE NOTICE OF  
VIOLATION ISSUED TO:

Eastgate Service, Inc.  
P.O. Box 746  
Glenrock, WY 82637

DOCKET NUMBER 4806-08

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:


1. Eastgate Service, Inc. (Eastgate) owns and operates underground storage tanks (USTs) located at 393 East Birch Street, Glenrock, Wyoming. This facility is registered as UST facility 0-001575 and does business under the name Eastgate Service, Inc. Eastgate uses butterfly valves in the drop tubes for the required overfill protection.


A compliance inspection was conducted on January 17, 2008, by personnel from the Department of Environmental Quality. It was discovered that Eastgate had either purposely disabled one of the butterfly valves, or allowed others to purposely disable one of the butterfly valves.

2. Eastgate operated the premium gasoline tank for an unknown period with a disabled overfill device until it was discovered on January 17, 2008.
3. Wyoming Water Quality Rules and Regulations (WWQRR), Chapter 17, Section 6 (c), states: "Spill and overfill prevention equipment. (i) Except as provided in Section 6(c)(ii), to prevent spilling and overfilling associated with regulated substance transfer to the UST system, owners and/or operators shall use the following spill and overfill prevention equipment: (B) Overfill prevention equipment that will: (I) Automatically shut off flow into the tank when the tank is no more than ninety five percent (95%) full; or (II) Alert the transfer operator when the tank is no more than ninety percent (90%) full by restricting the flow into the tank or triggering a high-level alarm."
4. By operating the premium gasoline tank with the overfill device disabled, Eastgate has violated WWQRR, Chapter 17, Section 6 (c) (i) (B).
5. This Notice is being sent to you pursuant to W.S. 35-11-701 (c) (i), which requires that in any case of the failure to correct or remedy an alleged violation, the director of the Department of Environmental Quality shall cause a written notice to be issued and served upon the person alleged to be responsible.

NOTHING IN THIS NOTICE OF VIOLATION (NOV) shall be interpreted to in any way limit or contravene any other remedy available under the Environmental Quality Act, nor shall this NOV be interpreted as being a condition precedent to any other enforcement action.

SIGNED this 30 day of January, 2008

  
John V. Corra  
Director  
Department of Environmental Quality

  
LeRoy C. Feusner, P.E., BCEE  
Administrator  
Solid and Hazardous Waste Management Division

PLEASE DIRECT ALL INQUIRIES TO: Robert Lucht, P.E. & P.G., Storage Tank Program Compliance Supervisor, 122 West 25<sup>th</sup> Street, Fourth Floor, West Wing, Cheyenne, WY 82002, (307) 777-7095, or (307) 777-5973 FAX for technical matters.